

GENERAL GOVERNMENT CABINET
Board of Nursing
(As Amended at ARRS, April 12, 2018)

201 KAR 20:506. Nurse licensure compact.

RELATES TO: KRS 314.475

STATUTORY AUTHORITY: KRS 314.131, **314.475**

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.475, Article I(c)2 requires the Board **of Nursing** to **review[file]** any rule adopted by the Interstate Commission of Nurse Licensure **Compact** Administrators pursuant to Article VIII of KRS 314.475 **within sixty (60) days of adoption for the purpose of filing the rule as an emergency regulation pursuant to KRS 13A.190 and for filing the rule[shall be filed]** as an **accompanying** ordinary administrative regulation pursuant to KRS Chapter 13A. This administrative regulation **incorporates by reference the rules adopted by the Interstate Commission of Nurse Licensure Compact Administrators on December 12, 2017 and bylaws adopted on August 3, 2017[implements that provisions by promulgating the adopted Rules pursuant to KRS Chapter 13A].**

Section 1. **The Kentucky Board of Nursing shall comply with all bylaws, rules, and administrative regulations of the Interstate Commission of Nurse Licensure Compact Administrators, which includes The Interstate Commission of Nurse Licensure Compact Administrators, Final Rules as of December 12, 2017, and Bylaws as of August 3, 2017, and as amended August 15, 2017.**

Section 2. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "The Interstate Commission of Nurse Licensure Compact Administrators, Final Rules", December 2017; and

(b) "The Interstate Commission of Nurse Licensure Compact Administrators, Bylaws", August 2017.

(2)(a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, KY 40222, Monday through Friday, 8 am to 4:30 p.m.; or

(b) This material may also be obtained on the Kentucky Board of Nursing's Web site at <https://kbn.ky.gov>.

(3) This material may also be obtained at:

(a) The Interstate Commission of Nurse Licensure Compact Administrators, 111 East Wacker Drive, Suite 2900, Chicago, IL 60601; or

(b) <https://www.ncsbn.org/enhanced-nlc-implementation.htm>. [Definitions (1) "Commission" means the Interstate Commission of Nurse Licensure Compact Administrators.

(2) "Compact" means the Nurse Licensure Compact that became effective on July 20, 2017 and implemented on January 19, 2018.

(3) "Convert" means to change a multistate license to a single-state license if a nurse changes primary state of residence by moving from a party state to a non-party state; or to change a single-state license to a multistate license once any disqualifying events are eliminated.

~~(4) "Deactivate" means to change the status of a multistate license or privilege to practice.~~

~~(5) "Director" means the individual referred to in Article IV of the Interstate Commission of Nurse Licensure Compact Administrators Bylaws.~~

~~(6) "Disqualifying event" means an incident, which results in a person becoming disqualified or ineligible to retain or renew a multistate license. These include the following: any adverse action resulting in an encumbrance, current participation in an alternative program, a misdemeanor offense related to the practice of nursing (which includes an agreed disposition), or a felony offense (which includes an agreed disposition).~~

~~(7) "Independent credentials review agency" means a non-governmental evaluation agency that verifies and certifies that foreign nurse graduates have graduated from nursing programs that are academically equivalent to nursing programs in the United States.~~

~~(8) "Licensure" includes the authority to practice nursing granted through the process of examination, endorsement, renewal, reinstatement or reactivation.~~

~~(9) "Prior Compact" means the Nurse Licensure Compact that was in effect until January 19, 2018.~~

~~(10) "Unencumbered license" means a license that authorizes a nurse to engage in the full and unrestricted practice of nursing.~~

~~Section 2. Uniform Data Set and Levels of Access. (1) The compact administrator of each party state shall furnish uniform data to the Coordinated Licensure Information System, which shall consist of the following:~~

~~(a) The nurse's name;~~

~~(b) Jurisdiction of licensure;~~

~~(c) License expiration date;~~

~~(d) Licensure classification, license number and status;~~

~~(e) Public emergency and final disciplinary actions, as defined by the contributing state authority;~~

~~(f) A change in the status of a disciplinary action or licensure encumbrance;~~

~~(g) Status of multistate licensure privileges;~~

~~(h) Current participation by the nurse in an alternative program;~~

~~(i) Information that is required to be expunged by the laws of a party state;~~

~~(j) The applicant or nurse's United States Social Security number;~~

~~(k) Current significant investigative information; and~~

~~(l) A correction to a licensee's data.~~

~~(2) The public shall have access to items (1)(a) through (g) and information about a licensee's participation in an alternative program to the extent allowed by state law.~~

~~(3) In the event a nurse asserts that any Coordinated Licensure Information System data is inaccurate, the burden of proof shall be upon the nurse to provide evidence in a manner determined by the party state that substantiates such claim.~~

~~(4) A party state shall report the items in the uniform data set to the Coordinated Licensure Information System within fifteen (15) calendar days of the date on which the action is taken.~~

~~Section 3. Querying the Coordinated Licensure Information System. (1) Upon application for multistate licensure, with the exception of renewal by a nurse, a party state shall query the Coordinated Licensure Information System to determine the applicant's current licensure status, previous disciplinary action(s), current participation in an alterna-~~

~~tive program, and any current significant investigative information.~~

~~(2) Upon discovery that an applicant is under investigation in another party state, the party state in receipt of the nurse licensure application shall contact the investigating party state and may request investigative documents and information.~~

~~Section 4. Implementation Date. The compact shall be implemented on January 19, 2018.~~

~~Section 5. Transition. (1)(a) A nurse who holds a multistate license on the compact effective date of July 20, 2017, and whose multistate license remains unencumbered on the January 19, 2018 implementation date and who maintains and renews a multistate license is not required to meet the new requirements for a multistate license under the compact.~~

~~(b) A nurse who retained a multistate license pursuant to subsection (a) of this section and subsequently incurs a disqualifying event shall have the multistate license revoked or deactivated pursuant to the laws of the home state.~~

~~(c) A nurse whose multistate license is revoked or deactivated may be eligible for a single state license in accordance with the laws of the party state.~~

~~(2) A nurse who applies for a multistate license after July 20, 2017, shall be required to meet the requirements of Article III (c) of the compact.~~

~~(3) During the transition period, a licensee who holds a single state license in a Compact state that was not a member of the prior compact and who also holds a multistate license in a party state, may retain the single state license until it lapses, expires or becomes inactive.~~

~~(4) After the implementation date, party states shall not renew or reinstate a single state license if the nurse has a multistate license in another party state.~~

~~Section 6. Recognition of new party states after January 19, 2018. (1) All party states shall be notified by the commission within fifteen (15) calendar days when a new party state enacts the compact.~~

~~(2) The new party state shall establish an implementation date six (6) months from enactment or as specified in the enabling language and shall notify the Director of the date.~~

~~(3) Upon implementation, a new state licensee who holds a single state license in a compact state that was not a member of the prior compact and holds a multistate license in a party state, may retain the single state license until it lapses, expires or becomes inactive.~~

~~(4) At least ninety (90) calendar days prior to the implementation date, all other party states shall notify any active single state licensee with an address in the new party state that the licensee may only hold one (1) multistate license in the primary state of residence. The licensee shall be advised to obtain or maintain a multistate license only from the primary state of residence.~~

~~(5) Each party state shall deactivate a multistate license when a new home state issues a multistate license.~~

~~Section 7. Party State Responsibilities. (1) On all application forms for multistate licensure, a party state shall require, at a minimum:~~

~~(a) A declaration of a primary state of residence; and~~

~~(b) Whether the applicant is a current participant in an alternative program.~~

~~(2)(a) An applicant for licensure who is determined to be ineligible for a multistate license shall be notified by the home state of the qualifications not met.~~

~~(b) The home state may issue a single state license pursuant to its laws.~~

~~(3) A party state shall not issue a single state license to a nurse who holds a multistate license in another party state.~~

~~Section 8. Applicant Responsibilities. (1) On all application forms for multistate licensure in a party state, an applicant shall declare a primary state of residence.~~

~~(2) A nurse who changes primary state of residence to another party state shall apply for a license in the new party state when the nurse declares to be a resident of the state and obtains privileges not ordinarily extended to nonresidents of the state, including those listed in subsection (4)(a) – (e) of this section.~~

~~(3) A nurse shall not apply for a single state license in a party state while the nurse holds a multistate license in another party state.~~

~~(4) A party state may require an applicant to provide evidence of residence in the declared primary state of residence. This evidence may include a current:~~

~~(a) Driver's license with a home address;~~

~~(b) Voter registration card with a home address;~~

~~(c) Federal income tax return with a primary state of residence declaration;~~

~~(d) Military form no. 2058 (state of legal residence certificate); or~~

~~(e) W2 form from the United States government or any bureau, division, or agency thereof, indicating residence.~~

~~(5) An applicant who is a citizen of a foreign country, and who is lawfully present in the United States and is applying for multistate licensure in a party state may declare either the applicant's country of origin or the party state where they are living as the primary state of residence. If the applicant declares the foreign country as the primary state of residence, the party state shall not issue a multistate license, but may issue a single state license if the applicant meets the party state's licensure requirements.~~

~~(6) An applicant shall disclose current participation in an alternative program to any party state, whether upon initial application or within ten (10) calendar days of enrollment in the program.~~

~~Section 9. Change in Primary State of Residence. (1) A nurse who changes his or her primary state of residence from one party state to another party state may continue to practice under the existing multistate license while the nurse's application is processed and a multistate license is issued in the new primary state of residence.~~

~~(2) Upon issuance of a new multistate license, the former primary state of residence shall deactivate its multistate license held by the nurse and provide notice to the nurse.~~

~~(3) If a party state verifies that a licensee who holds a multistate license changes primary state of residence to a non-party state, the party state shall convert the multistate license to a single state license within fifteen (15) calendar days, and report this conversion to the Coordinated Licensure Information System.~~

~~Section 10. Temporary Permits and Licenses. A temporary permit, license, or similar temporary authorization to practice issued by a party state to an applicant for licensure shall not grant multistate licensure privileges.~~

~~Section 11. Identification of Licenses. A license issued by a party state shall be clearly identified as either a single state license or a multistate license.~~

~~**Section 12. Credentialing and English Proficiency for Foreign Nurse Graduates. (1) A party state shall verify that an independent credentials review agency evaluated the credentials of graduates as set forth in Article III (c)(2)ii.**~~

~~**(2) The party state shall verify successful completion of an English proficiency examination for graduates as set forth in Article III (c)(3).**~~

~~**Section 13. Deactivation, Discipline and Revocation. A party state shall determine whether a disqualifying event will result in adverse action or deactivation of a multistate license or privilege. Upon deactivation due to a disqualifying event, the home state may issue a single state license.**~~

~~**Section 14. Dues Assessment. (1) The commission shall determine the annual assessment to be paid by party states. The assessment formula is a flat fee per party state. The commission shall provide public notice of any proposed revision to the annual assessment fee at least ninety (90) calendar days prior to the Commission meeting to consider the proposed revision.**~~

~~**(2) The annual assessment shall be due within the commission's first fiscal year after the implementation date and annually thereafter.]**~~

LEWIS PERKINS, President

APPROVED BY AGENCY: January 18, 2018

FILED WITH LRC: January 25, 2018 at 4 p.m.

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